

IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.12795 of 2008

RAMAKANT BIND

Versus

STATE OF BIHAR

4. 08.09.2008

Heard learned counsel for the petitioner and the State.

Petitioner is an accused in a case for the offences registered under Sections 406, 420, 467 and 468 of the Indian Penal Code.

The allegation against the petitioner is to the effect that after receiving a sum of Rs.- 1,71,000/- from the complainant, the sale deed was prepared and presented for registration on 5.07.2007, however, on the said date, the registration could not be done and as such, it was fixed on 25th of July 2007 and one day before petitioner took away unauthorisedly the said sale deed which was presented for registration.

Learned counsel for the petitioner submits that the present case has been lodged for ulterior purpose. Petitioner was compelled by husband of the complainant for executing the sale deed to which the petitioner was not prepared and the allegation of payment of Rs. 1,71,000/- is absolutely incorrect. The case is filed after delay without explanation. Learned counsel for the petitioner further submits that during investigation of the case, no employee of the registry office was examined nor any complaint was filed by the office with regard to the taking away the document.

Learned counsel for the complainant submits that the document was presented on 5.10.2007 but the same was not entered into the registrar and the petitioner taking advantage of the same, took away the document before one day of the fixed date for registration. It is further submitted that the police after investigation found the allegations

true against the petitioner and submitted charge sheet.

Learned Addl.P.P. on perusal of the case diary submits that the witnesses named in the FIR have stated that the money was given but the deed was not registered, however, there is no any witnesses from the registry office in support of the allegation that the petitioner took away the documents from the registry office.

Considering the submission of the parties, it is directed that in the event of arrest or surrender within a period of four weeks from today, the petitioner, Ramakant Bind be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhabua in connection with Bhabua P.S. Case No. 235 of 2007 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

Jagdish/-

(Shailesh Kumar Sinha,J.)

